

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
ROCK HILL DIVISION

Marcus D. Thomas,

Plaintiff,

vs.

**Lawrence Jordan, Postmaster, USPS;
Michelle Murphy, Supervisor, USPS;
and Lynn Pinkney, EAP Counselor, USPS,**

Defendant.

C/A No. 3:04-2276-CMC-BC

ORDER

Plaintiff, proceeding *pro se*, is a former employee of the United States Postal Service and appears to allege in his complaint filed July 12, 2004, that he was wrongfully terminated in violation of the Last Chance Agreement he entered into with his employer on November 17, 1998. Defendants Jordan and Murphy filed a motion to dismiss or in the alternative for summary judgment on September 2, 2004. Defendant Pinkney filed a motion to dismiss or, in the alternative, for summary judgment on October 13, 2004. The court advised Plaintiff Thomas of the summary judgment procedure and explained that failure to file a response could result in dismissal of the case. Plaintiff filed responses to both motions.

In accordance with the Local Rules of this district and 28 U.S.C. § 636(b), this matter was referred to United States Magistrate Judge Joseph R. McCrorey for pretrial management. That management concluded with the entry of a Report which recommended that the motion to dismiss filed by Defendants Jordan and Murphy and the motion to dismiss filed by Defendant Pinkney be granted. The matter is now before the court on Plaintiff's objections to the Report.

This court is charged with making a *de novo* determination of any portion of the Report and

Recommendation of the Magistrate Judge to which a specific objection is made. The court may accept, reject, or modify, in whole or in part, the recommendation made by the Magistrate Judge or recommit the matter to the Magistrate Judge with instructions. *See* 28 U.S.C. § 636(b).

The court has considered Plaintiff's objections, and finds they do not raise any legally meritorious issues. After reviewing the complaint, the motions, the Report and Recommendation, the objections and the entire record, the court agrees with the Report and Recommendation of the Magistrate Judge and, therefore, adopts and incorporates it in full into this order. Therefore, it is

ORDERED that the motion to dismiss filed by Defendants Jordan and Murphy and the motion to dismiss filed by Defendant Pinkney are **GRANTED** and this matter is **DISMISSED WITH PREJUDICE**.¹

IT IS SO ORDERED.

s/Cameron McGowan Currie
CAMERON MCGOWAN CURRIE
UNITED STATES DISTRICT JUDGE

Columbia, South Carolina
April 19, 2005

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¹On April 11, 2005, Plaintiff submitted a request for an extension of time to retain legal counsel. The court hereby **DENIES** this request as untimely.